

234.35 When state to pay foster care costs.

1. The department of human services is responsible for paying the cost of foster care for a child, according to rates established pursuant to [section 234.38](#), under any of the following circumstances:

a. When a court has committed the child to the director of human services or the director's designee.

b. When a court has transferred legal custody of the child to the department of human services.

c. When the department has agreed to provide foster care services for the child for a period of not more than ninety days on the basis of a signed placement agreement between the department and the child's parent or guardian.

d. When the child has been placed in emergency care for a period of not more than thirty days upon approval of the director or the director's designee.

e. When a court has entered an order transferring the legal custody of the child to a foster care placement pursuant to [section 232.46](#), [section 232.52](#), [subsection 2](#), paragraph "d", or [section 232.102](#), [subsection 1](#). However, payment shall not be made for a group foster care placement unless the group foster care meets requirements as established by the department by rule.

f. When the department has agreed to provide foster care services for a child who is eighteen years of age or older on the basis of a signed placement agreement between the department and the child or the person acting on behalf of the child.

g. When the department has agreed to provide foster care services for the child on the basis of a signed placement agreement initiated before July 1, 1992, between the department and the child's parent or guardian.

h. When the child is placed in shelter care pursuant to [section 232.20](#), [subsection 1](#), or [section 232.21](#).

2. Except as provided under [section 234.38](#) for direct payment of foster parents, payment for foster care costs shall be limited to foster care providers with whom the department has a contract in force.

3. Payment for foster care services provided to a child who is eighteen years of age or older shall be limited to the following:

a. Family foster care or supervised apartment living arrangements.

b. For a child who is at imminent risk of becoming homeless or failing to graduate from high school or to obtain a general education development diploma, if the services are in the child's best interest, funding is available for the services, and an appropriate alternative service is unavailable.

[C75, 77, 79, 81, §234.35]

90 Acts, ch 1270, §42, 43; 92 Acts, ch 1229, §25; 93 Acts, ch 172, §37, 56; 2003 Acts, ch 117, §9; 2003 Acts, ch 175, §37; 2004 Acts, ch 1116, §15; 2011 Acts, ch 34, §61; 2014 Acts, ch 1141, §75; 2022 Acts, ch 1096, §3, 4; 2022 Acts, ch 1098, §83 – 87

Referred to in §225C.49, 233A.7, 234.37, 234.38, 234.39, 234.46, 237.15

⁽¹⁾See Iowa Acts for special provisions relating to foster care payments in a given fiscal year

⁽²⁾Allocation for shelter care and the child welfare emergency services contracting implemented to provide for or prevent the need for shelter care; 2017 Acts, ch 174, §57; 2018 Acts, ch 1165, §28; 2019 Acts, ch 85, §19, 51; 2020 Acts, ch 1121, §1; 2021 Acts, ch 182, §19, 47; 2022 Acts, ch 1131, §19, 45

⁽³⁾See Code editor's note on simple harmonization at the beginning of this Code volume

⁽⁴⁾Subsection 1, paragraph e amended

⁽⁵⁾Subsection 1, paragraph i stricken

⁽⁶⁾Subsection 3 amended

⁽⁷⁾Subsection 4 stricken